Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 44

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IMMUNOCEPT, LLC, PATRICE ANNE LEE, and JAMES REESE MATSON,
Plaintiffs,

-vs- **Case No. A-05-CA-334-SS**

FULBRIGHT & JAWORSKI, LLP,
Defendant.

ORDER

BE IT REMEMBERED that on the 10th day of February 2006, the Court called the above-styled cause for a status conference, and the parties appeared either in person or through counsel. The Court confirms its announcements with the following written orders:

IT IS ORDERED that the case REMAINS SET for docket call on **March 31, 2006,** at 11:00 a.m. in Courtroom 2 of the United States Courthouse, 200 W. Eighth Street, Austin, Texas, with a **JURY trial** in the month of **April 2006**, and each side shall be allowed **EIGHTEEN (18) HOURS** in trial, beginning with opening statement and continuing through the close of evidence (including direct examination, cross-examination, and rebuttal). The parties agree to a jury of seven with a verdict by no less than five.

IT IS FURTHER ORDERED that at docket call, the parties shall submit a short, one paragraph statement of the parties' contentions, voir dire questions, proposed jury instructions and verdict forms, exhibit and witness lists, and any motions in limine.

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IT IS FURTHER ORDERED that within ten (10) days of the date of this order, Defendant shall file an affidavit by Sarah Brashears setting out the deposition questions she refused to answer on the basis of Defendant's attorney-client and work-product privilege objections, along with responses for each such question, so as to permit an in camera examination by the Court. The affidavit may be filed ex parte and under seal.

IT IS FURTHER ORDERED that Defendant's Motion to Exclude the Testimony of James E. Malackowski [#36] and Defendant's Motion to Exclude the Testimony of Alan McPherson [#38] are CARRIED until the time of trial.

IT IS FURTHER ORDERED that Plaintiffs shall file timely responses to Defendant's Motion to Exclude the Testimony of James E. Malackowski [#36] and Defendant's Motion to Exclude the Testimony of Alan McPherson [#38]. However, either side may supplement its papers on any motion to exclude expert testimony up until the date of docket call.

IT IS FINALLY ORDERED that each party shall file within **seven (7) calendar days** of the entry of this order either a consent to proceed to trial before a United States Magistrate Judge or an advisory indicating it does not consent to trial before a United States Magistrate Judge.

SIGNED this the 13th day of February 2006.

Sam Sparks

UNITED STATES DISTRICT JUDGE